



Policies & Procedures

GEORGIA BUILDING AUTHORITY

SUBJECT: Procurement Policy

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PURPOSE

The purpose of this policy is to establish procedures and guidelines for the procurement of goods and/or services by the Georgia Building Authority (GBA).

POLICY STATEMENT

The procurement of all services, supplies, equipment, commodities, public works, and related construction should be based on competitive bidding whenever possible. In general, GBA shall use "price", "best value", or "qualifications" as the basis for competitive source selection.

The following types of purchases are declared exempt and do not require competitive bidding:

- Purchases under \$25,000 (Small Value Purchases)
- Sole Source Purchases
- Emergency Purchases
- Purchases from Contracts
- State of Georgia NIGP Exempt List Items
- Intergovernmental Purchases

DELEGATED AUTHORITY

As appointed by the GBA's Governing Board, the GBA Executive Director is the legally authorized appointed contractual agent. The Executive Director delegates all Procurement Authority in a centralized manner to the Deputy Executive Director of the GBA or his designee. For purposes of this policy, said designee shall be the Procurement Services Director or his logical successor.

The Procurement Services Director may further delegate the contractual agency authority to professional procurement personnel directly under his supervision for individual procurement activities not to exceed five thousand dollars (\$5,000.00).

VALUES AND GUIDING PRINCIPLES

GBA adopts the "Values and Guiding Principles of Public Procurement" developed by the National Institute of Governmental Purchasing (NIGP):

1. Accountability

Take ownership and be responsible to stakeholders to preserve the public trust and protect the public interest.

2. Ethics

Act in a manner true to these values to preserve the public's trust.

3. Impartiality

Ensure fairness through unbiased decision-making.

4. Professionalism

Uphold high standards of job performance and ethical behavior to balance diverse public interests.

5. Service

Assist stakeholders to support the public good.

6. Transparency

Provide easily accessible and understandable policies and processes to demonstrate responsible use of public funds.

SECTION I – SOLICITATION METHODS

Effective competition varies with the goods and services being acquired. Before starting any competitive selection process, end users will consult with the Procurement Services Director to determine the most advantageous and strategically sound method of solicitation. Depending upon the complexity and estimated value of the procurement, the solicitation method may be either informal or formal.

1. Informal Solicitation

When the basis for competitive source selection is price only, an informal solicitation may be used. Informal solicitations may be conducted using the phone, fax, email, or eQuote.

2. Formal Solicitation

A formal solicitation is a more complex procurement. This solicitation method requires the development of formal solicitation documents and the use of a formal sealed bid process. GBA will provide a single point of contact from the GBA Procurement Office for any solicitation; bidder communication with anyone other than GBA Procurement Office staff, such as other GBA staff or board member, may result in immediate disqualification of the bidder's proposal.

GBA shall use the following types of solicitation documents:

- **Invitation to Bid (ITB)**

An Invitation to Bid is a formal solicitation document that solicits sealed price quotes and seeks to identify a qualified vendor using the lowest price quote as the determining factor for award. An ITB must include a well-defined specification or scope of work and will usually contain all contractual terms and conditions. A bidder's exception to any of the ITB specifications may be used as a basis for disqualification.

- **Request for Proposals (RFP)**

A Request for Proposals is a formal solicitation method that seeks to leverage the creativity and knowledge of business organizations in order to provide a solution to a unique procurement. An RFP should be used if the project does not lend itself to the creation of a clear and accurate specification or scope of work. The RFP method does not use the cost of the project as the single determining factor, but rather uses a combination of the cost and the proposed solution to determine the award. The RFP solicits separate technical and sealed price proposals from prospective vendors and seeks to obtain the "best value" for the State.

- **Request for Qualified Contractors (RFQC)**

An RFQC is used to identify vendors with specific qualifications to provide a desired product or service. Each vendor is judged on its ability to meet or surpass the required qualifications set forth in the RFQC solicitation document. This form of solicitation may, but does not always, culminate in a contract award and may also be used as a pre-requisite to determine eligibility to respond to a subsequent ITB or RFP.

3. Negotiations in Lieu of New Procurement

The GBA reserves the right to negotiate any properly received bids or proposals as defined in the solicitation document.

SECTION II – INFORMAL SOLICITATION GUIDELINES

The informal solicitation method requires the preparation of a scope of work or specification of the requirements so that each bidder is informed equally. Documents regarding both the bid specifications and requirements must be retained in the procurement file.

1. Phone, Fax, or Email

End users may solicit price quotes from at least three vendors for straightforward purchases under \$25,000. The Procurement Office can solicit price quotes for purchases up to \$100,000. Additional public notice is not required.

2. eQuote

The e-Quote online bidding system may be used to electronically solicit and receive bids up to \$500,000. The public notice and posting period will be in accordance with the guidelines issued by DOAS State Purchasing.

SECTION III – INVITATION TO BID GUIDELINES

1. Public Notice

All ITBs shall be posted on the Georgia Procurement Registry. GBA, at its discretion, may elect to conduct additional public advertisement in other outlets that may be familiar with potential vendors for the goods or services needed.

2. Evaluation of Bids

The contract shall be awarded to the lowest, responsive, and responsible bidder. Unless otherwise provided for in the ITB, award may be made by individual line item, by groups of line items, or for the aggregate total of all line items. GBA shall also have the right to reject any and all bids submitted in response to the ITB, to reject any portion thereof, or to waive any irregularity or administrative requirement.

3. Alternate Bids

At the discretion of GBA, alternate bids may be considered for an award if the alternate product meets all of the specifications and requirements of the solicitation.

4. Single Bid

If only one responsive and responsible bid is received in response to an ITB, an award may be made to the single bidder if GBA determines that the bid price is fair and reasonable.

5. Resolving Tie Bids

A tie bid exists when two or more bidders offer, at identical prices, products that meet all specifications, terms, and conditions. In such a situation, GBA shall consider the following in the order listed:

- Best and final offers
- Past performance of the bidders

- Earliest delivery date
- Flip of a coin

SECTION IV – REQUEST FOR PROPOSALS GUIDELINES

1. Public Notice

All RFPs shall be posted on the Georgia Procurement Registry. GBA, at its discretion, may elect to conduct additional public advertisement in other outlets that may be familiar with potential vendors for the goods or services needed.

2. Evaluation of Proposals

GBA shall be bound by the terms of the RFP as well as the established evaluation criteria. No changes to the evaluation criteria may be made after the closing date and time of the RFP. If a technical or cost proposal fails to meet a mandatory requirement specified in the RFP, GBA will determine if the deviation is material. A material deviation will be cause for rejection of the proposal. An immaterial deviation will be processed as if no deviation had occurred. GBA shall have the right to reject any and all proposals submitted in response to the RFP, to reject any portion thereof, or to waive any irregularity or administrative requirement.

3. Administrative Review

The issuing officer will conduct an administrative review of the received proposals to determine which technical proposals should be submitted to the evaluation committee for review. The administrative review should eliminate any proposal submitted by a vendor which is currently suspended or debarred by GBA or DOAS and any proposals which are missing required documents, signatures, or any other item required by the RFP to be submitted with the proposal.

4. Technical Proposal Evaluation

The technical proposal will be reviewed and scored by an evaluation committee of two or more members in accordance with the terms of the RFP. The evaluation committee will use a consensus approach to evaluate the bids and will document their evaluation with a single consensus score sheet.

5. Initial Scoring of Cost/Price Proposals

The issuing officer or his/her designee will analyze the cost proposals independently of the technical evaluation committee, but may perform the cost evaluation concurrently with the evaluation committee's initial scoring of the technical proposals. Cost proposals and the resulting cost scores will not be shared with the technical evaluation committee until after the scoring of the technical proposals has been completed.

6. Oral Presentations and Site Visits

GBA may conduct site visits and/or request proposers make oral presentations as permitted by the RFP. The evaluation committee may increase or lower the vendor's technical score as appropriate as a result of the vendor's oral presentation and/or site visit. If a vendor does not attend a mandatory site meeting, then the vendor's bid/proposal will be disqualified from consideration.

7. Total Combined Score

The total combined score will be a combination of the two stated scores (technical and cost) and shall be defined by the terms of the RFP.

8. Contract Negotiations

If the vendor(s) identified for contract award has submitted contract exceptions, such contract exceptions must be resolved prior to contract execution. In the event that GBA is unable to reach agreement as to contract terms with a particular vendor, the vendor will be ineligible for contract award and GBA may award to the next highest ranked vendor. Any exceptions to the contract must be clearly identified and submitted with the technical proposal. Proposed exceptions must not conflict with or attempt to preempt mandatory requirements.

9. Award Process

Contract award, if any, shall be made to the vendor(s) whose proposal(s) is determined to be the most advantageous to GBA utilizing the established evaluation criteria. The contract file shall contain the basis on which the award is made.

SECTION V – REQUEST FOR QUALIFIED CONTRACTORS

A RFQC is a prequalification process which may be used to find vendors/contractors with specific qualifications to produce a product or service. The results of the RFQC process will be publicly announced, including the names of those contractors who were identified as qualified suppliers. Only qualified contractors will be eligible to participate in further evaluations and contracting.

SECTION VI – EXEMPT PURCHASES

The following purchases are exempt and do not require competitive bidding:

1. Small Value Purchases (Purchases under \$25,000)

Although bidding is not required for purchases under \$25,000, the comparison of products and prices from multiple vendors is recommended. All information technology purchases (including hardware, software, and telecommunications) require written approval from the Information Technology Director.

2. Sole Source Purchases

A sole source procurement can only be acquired from one unique and singular company, vendor, or contractor. A *Sole Source Justification Form* shall be provided to the Procurement Services Director for approval and should include a letter from the Original Equipment Manufacturer (OEM) justifying the sole source designation of the vendor to be used.

3. Sole Brand Purchases

Sole Brand designation occurs when using one or more manufacturers' brand name, with identifying model numbers, to describe the standards of quality, performance and other characteristics needed to meet the requirements of a solicitation. A *Sole Brand Justification Form* must be provided to and approved by the Procurement Services Director.

4. Consultant Services

Consultant services under \$75,000 may be contracted for without bidding if the resulting project is less than \$1 Million. Whenever possible, however, competitive proposals or qualifications should be obtained as practical and prudent. Typical consulting services falling under this definition are legal, management, educational, intellectual property (art) and planning services.

5. Emergency Purchases

Emergency circumstances exist when normal purchasing procedures cannot be utilized without detrimental effects upon the operation of GBA and or GBA's customers. The requestor will obtain Division Director approval prior to making the emergency purchase. The requestor will then provide written justification to the Procurement Office (approved by the Deputy Executive Director) within 24 business hours.

6. Contract Purchases

Contract Purchases include items or services available on a GBA contract, agency contract, statewide contract, General Services Administration (GSA) Schedule 70 for information technology, or GSA Schedule 84 for emergency response.

7. NIGP Exempt List

DOAS State Purchasing Division has established a list of goods/services which are exempt from competitive bidding requirements (www.doas.ga.gov).

8. Standardization

When it is deemed to be in the best interest of GBA, standardization of products or equipment shall be allowed pursuant to the performance of all required due diligence by Procurement Services.

SECTION VII – GENERAL GUIDELINES

1. Cancellation of Solicitation

Any solicitation may be canceled, in whole or in part, if at any time it is found that the integrity of the procurement process has been compromised or that substantive errors have occurred.

2. Rejection of Bids/Proposals

GBA reserves the right to reject any bids or proposal responses, in whole or in part.

3. Bid/Proposal Withdrawal

Bidders withdrawing their bids or proposals before the bid closing date shall face no punitive action. Bidders withdrawing their bid after the bid closing date shall risk losing their bid bond (if one is used) or losing bidding status on future like procurements.

4. Confidentiality

All proposals and supporting materials received shall be deemed confidential until successful completion or cancellation of the applicable procurement process. After a notice of award is posted, all material in the procurement file, except information exempted by state or federal law from disclosure, shall be open for public review in accordance with the Georgia Open Records Act (OCGA 50-18-70, et seq.).

5. Suspensions and Debarment

It shall be the GBA's sole prerogative to suspend or debar any vendor, supplier, or contractor failing to comply with requirements of any purchase order, contract, or sanctioned directive. GBA hereby adopts DOAS State Purchasing processes and procedures for Debarment and Suspension as set forth in the Georgia Procurement Manual.

6. Bid Protest

A bidder desiring to protest, challenge, or otherwise pursue a claim against any aspect of GBA procurement must comply with GBA's Protest Policy.

7. Reciprocal Preference Law

Resident vendors of Georgia are granted the same preference over non-resident vendors that other such states grant their own resident vendors over non-resident vendors. For the purpose of this law, the definition of a resident vendor is one who maintains a place of business with at least one employee inside the State of Georgia. A post office box will not satisfy this requirement.

8. Contract Administration

Contracts may be renewed or terminated at the discretion of GBA in accordance with contract terms and conditions. GBA reserves the right to extend contracts when it is in the best interest of GBA.

9. Construction Services

GBA Procurement shall adhere to all statutory requirements set forth regarding the procurement of public works. In addition, GBA shall comply with all requirements of its By-Laws, specifically, Articles VIII and XII, as those articles dictate the necessity of prior board approval before entering into: 1. any construction contract which cost exceeds \$1,000,000; or 2. a contract obligation that is over one (1) year in term or in excess of \$500,000. All acquisition of construction services, including but not limited to, general contractors, construction managers, and design-builders shall be procured competitively using either a formal or informal process dictated in law.

10. Request for Information (RFI)

A Request for Information (RFI) may be used as a quasi-formal method for soliciting information from vendors who have knowledge or information about an industry, product, or service. The RFI method is not intended to result in a contract award but is designed to allow for the collection of industry information that will then be used to determine the appropriate solicitation method.

11. Letter of Interest (LOI)

A Letter of Interest (LOI) may be prepared by GBA Procurement Services to investigate vendor interest in providing a product or service. Results may lead to issuing of a solicitation.

12. Acquisition or Lease of Real Property

The acquisition or lease of real property shall not be governed by this policy.

13. Georgia Resident

GBA will recognize and adhere to all requirements set forth in statute regarding the definition of what constitutes a Georgia Resident contractor and the benefits inuring thereto.

14. Small Business

A small business shall be one which has fewer than 300 employees and annual gross receipts less than \$30 Million. GBA recognizes and applies all statutory requirements inuring as a result of being designated a small business enterprise.

15. Unauthorized Procurements

GBA may disclaim responsibility and liability for any procurement, including but not limited to any purchase, expenditure, authorization or agreement for expenditures, arising from actions of a non-employee or an employee acting either without authority or outside the terms and provisions of this policy. The expense of any such disclaimed transaction shall not be a liability of GBA; all costs and expenses associated with such disclaimed transaction shall become the personal liability of and borne solely by the individual who acted without any authority from GBA or the employee who violates the GBA procurement policy as provided herein.

16. Electronic Signatures

GBA may use an electronic signature to conduct business. Conversely, GBA may require contractors or vendors to use an electronic signature to conduct business with GBA. This business includes but is not limited to the execution of contracts, purchase orders, leases, amendments, addenda or other agreements.